

REFERENCE TITLE: children; removal from home

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

# **SB 1142**

Introduced by  
Senator Johnson

AN ACT

AMENDING SECTION 8-113, ARIZONA REVISED STATUTES; RELATING TO CHILDREN.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 8-113, Arizona Revised Statutes, is amended to  
3 read:

4           8-113. Removal from home; expedited hearings: probationary  
5           period

6       A. A child who has been placed in a certified adoptive home by any  
7 agency or the division shall not be removed from the home except on order of  
8 the juvenile court. The agency or the division may request a hearing for  
9 removal before the juvenile court, and in those cases, a hearing shall be  
10 held not less than ten days after notice has been given to the certified  
11 prospective adoptive parent or parents.

12     B. This section does not prohibit prospective adoptive parents from  
13 voluntarily returning any child to the placing agency or the division or does  
14 not prevent the removal of a child pursuant to section 8-821 or 8-802.

15     C. Pending the final adoption hearing, the child is subject to further  
16 investigation by the division, an officer of the court or an agency that is  
17 required to do the social study pursuant to section 8-105.

18     D. The court shall hold the hearing on the petition:

19       1. Within ~~sixty~~ forty-five days if the child has resided in the home  
20 of the prospective adoptive parent or parents for at least one year  
21 immediately preceding the filing of the petition for adoption. If the  
22 prospective adoptive parent is the stepparent of the child, this requirement  
23 applies only if the stepparent has been married to the birth or legal parent  
24 of the child for at least one year.

25       2. Within ~~ninety~~ sixty days if the child is under six months of age or  
26 has resided in the home of the prospective adoptive parent or parents for at  
27 least six months preceding the filing of the petition for adoption. If the  
28 prospective adoptive parent is the stepparent of the child, this requirement  
29 applies only if the stepparent has been married to the birth or legal parent  
30 of the child for at least one year.

31       3. In all other cases, within six months after the filing of the  
32 petition for adoption.

33     E. If subsection D, paragraph 1 or 2 of this section applies, the  
34 petitioner shall file a notification of that fact with the petition to adopt.

35     F. The court shall postpone a hearing scheduled to be held pursuant to  
36 subsection D of this section if the court has not received the results of the  
37 criminal records check at least forty-eight hours before the final  
38 hearing. The court shall reschedule the hearing within twenty-one days after  
39 receiving the results.

40     G. The court or the petitioner may postpone the final hearing up to  
41 sixty days in order to give notice to any interested party or for other good  
42 cause.

43     H. The court shall hold an expedited hearing on a motion that is  
44 supported by a sworn affidavit that the expedited hearing is in the child's  
45 best interests and that any of the following is true:

1       1. The child is suffering from a chronically debilitating, progressive  
2 or fatal disease as diagnosed by a licensed physician.

3       2. A prospective adoptive parent, ~~natural~~ BIRTH parent or legal parent  
4 is terminally ill, as diagnosed by a licensed physician.

5       3. The court finds other compelling reasons relating to the special  
6 needs and welfare of the child to expedite the hearing.

7           I. During the probationary period or any extension, prospective  
8 adoptive parents who have complied with ~~the provisions of~~ this chapter have  
9 the following rights and responsibilities with respect to the child:

10          1. The right to physical custody of the child unless the child is  
11 removed by order of the juvenile court after notice and a hearing.

12          2. The right to consent to necessary medical procedures for the child.

13          3. The right to consent to participation in social and athletic  
14 activities for the child.

15          4. The responsibility to provide proper care and support for the child  
16 in addition to that already provided by the placing agency or division.